UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 09-20536-08-BC
Honorable Thomas L. Ludington

JOHNNY MARSHALL,

Defendant.

____/

ORDER ADOPTING REPORT AND RECOMMENDATION, ACCEPTING DEFENDANT'S GUILTY PLEA, AND TAKING THE RULE 11 PLEA AGREEMENT UNDER ADVISEMENT

A plea hearing was conducted on February 9, 2012, by U.S. Magistrate Judge Charles E. Binder pursuant to the Defendant's consent. The magistrate judge issued his report (ECF No. 551) on February 10, 2012, recommending acceptance of Defendant's guilty plea. Either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985).

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation (ECF No. 551) is **ADOPTED**.

It is further **ORDERED** that the defendant's guilty plea as to count one of the superseding information is **ACCEPTED**, and the Rule 11 Plea Agreement (ECF No. 544) is taken **UNDER ADVISEMENT**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: February 24, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 24, 2012.

s/Tracy A. Jacobs
TRACY A. JACOBS